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7590 12/03/2003  
Lee Mann Simth McWilliam Sweeney & Ohlson  
PO Box 2786  
Chicago, IL 60690-2786

EXAMINER PERRIN, JOSEPH L	
ART UNIT 1746	PAPER NUMBER

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/936,635

Applicant(s)

NORTH, JOHN HERBERT

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 51, 52 and 55-77 is/are pending in the application.
- 4a) Of the above claim(s) 51, 52, 55-67 and 69-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 68 and 73-77 is/are rejected.
- 7) ☒ Claim(s) 68 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3a.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group II, claims 68 and 73-75 in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Information Disclosure Statement***

2. The information disclosure statement filed 12 September 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. The non-English references without a concise explanation of the relevance have been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

3. The disclosure is objected to because of the following informalities: On page 21, line 7 of the specification, the phrase "two plane washing medium" should be changed to --two phase washing medium-- to coincide with the claims. Appropriate correction is required.

***Claim Objections***

4. Claim 68 is objected to because of the following informalities: The method claim 68 depends from non-elected apparatus claim 52. Thus, the method claim is considered improper and should be rewritten into independent form. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 75 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 75 recites the limitation "the water" in line 1. There is insufficient antecedent basis for this limitation in the claim. Specifically, it is unclear what "water" of independent claim 73 is being referred to by the claimed limitation. As best understood, applicant is referring to water in the detergent solution, as described in the specification, and the claims will be examined accordingly. However, since the claimed detergent solution does not recite water, it is unclear what applicant intends. Clarification and correction are required.

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***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 68 and 73-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2,335,560 to Crane in view of US 4,489,455 to Spendel and US 5,858,022 to Berndt.

Re claims 68, 73 & 75, Crane discloses a method of washing laundry including inserting clothes to be washed in a sealable container and sealing the container (for instance, col. 6, lines 57-60); introducing hot water for washing or rinsing, under pressure greater than ambient (for instance, col. 6, lines 70-72; col. 7, lines 5-8); rotating the container to agitate the laundry (for instance, col. 7, lines 10-26); pumping the washing or rinsing from the capsule (for instance, col. 8, lines 16-19); and utilizing aqueous detergent solutions (for instance, col. 8, lines 62-66). However, Crane does not expressly disclose introducing

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pressurized detergent solution with steam as a two phase vapor or mist mixture, or vacuum assisted drying utilizing a venturi pump.

Re claims 68 & 73-77, Spendel teaches that it is known in the laundry washing art to spray a detergent solution (wash liquor, col. 1, lines 33-34) into a sealable container (for instance, col. 5, lines 50-54) under pressure via an atomizer (for instance, col. 12, lines 33-39), which would inherently form a two phase vapor or mist upon atomization, in order to enhance wash liquor distribution on the textiles (see, for instance, col. 11, lines 58 *et seq.*). Spendel further teaches that water temperature can vary, but it is preferable to use hotter water as the wash liquor to "about 90°C" (for instance, col. 19, line 15), and that it is known to utilize a venturi pump in a recirculation loop or separate reservoir to control wash liquor flow (for instance, col. 10, lines 29-31).

Re claims 68 and 73, Berndt teaches that it is known in the laundry cleaning art to apply, in a drying step, negative pressure via applying vacuum pumping to improve drying of laundry (see, for instance, col. 2, line 65 – col. 3, line 16).

Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to modify the cleaning method of Crane, with the atomization step, temperature, and venturi pump disclosed by Spendel, and the drying step with negative pressure disclosed by Berndt, in order to provide a washing method with enhanced cleaning/washing and more efficient drying.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 5,858,022 to Romack *et al.*, which discloses a dry cleaning method including two phase washing, agitating the drum, and rinsing with water.

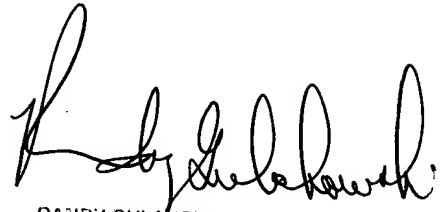
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703)308-4333. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph L. Perrin, Ph.D.  
Examiner  
Art Unit 1746

jlj

  
RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700